

Appl. No. 09/976,516

Amendment dated April 26, 2005

Reply to Office Action of January 26, 2005

Remarks/Arguments

Claims 1-20 are pending and stand rejected on varying grounds under §102(e).

Claim 1 has been amended to resolve a formality. No new matter has been added with this amendment.

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1-22 and withdraw the rejection of these claims.

- a) Applicant notes with appreciation that the Examiner has considered the art listed on and returned an initialed copy of form 1449.
- b) Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Joyce (U.S. Patent No. 6,519,703). Claims 1 and 11 are in independent form with claims 2-10 dependent on claim 1 and claims 12-20 dependent on claim 11.

The present invention concerns node security in a router of a packet network. Claim 1 defines a method for providing node security in the router of the packet network and claim 11 defines in varying scope a corresponding router for providing node security in a packet network.

Generally the invention includes analyzing a data packet and determining in the router whether the data packet may be harmful to a destination device and if so, transmission of the

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packet is interrupted and a second router is communicated with to cause the second router to interrupt transmission of a next or future data packet all as claimed. If no problems are detected the data packet is transmitted.

The Examiner maintains that Joyce teaches and describes a method and router for providing node security in a router of a packet network referring to Fig. 1, 2; Summary and Column 2, line 16 -Column 5, line 17. The firewall arrangement of Joyce may be construed as a router.

Joyce discusses a firewall arrangement (FIG. 1 and FIG. 2) that may operate on a Sun MicroSystem computer or the like (col. 5, line 34 et. sequence). This firewall (Heuristic firewall 10A or 10B) receives data packets 22 from the Internet, performs one or more "levels" of analysis on these packets (16, 18, 20 and 12, 14 among others), and shunts packets (i.e., interrupts transmission) that appear to have problems (low confidence) to a shunt 30 (log or the like), and forwards packets that have high confidence to a network 30 (FIG. 1, FIG. 2, and corresponding descriptions).

Joyce does not show or suggest as part of the interrupting transmission, the claimed feature (claim 1 or claim 11) of communicating with a second router to cause the second router to interrupt transmission of a future data packet. The Examiner maintains that Joyce at Column 2, line 30 - Column 3, line 5, shows or suggests the claimed interrupting transmission of the data packet in response to determining that the data packet is potentially harmful to the destination device, the interrupting further comprising the step of communicating with a second router to cause the second router to interrupt transmission of a future data packet. This passage and others

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of Joyce discusses the varying levels of analysis of a data packet within a router or firewall 10A (FIG. 1) and under what circumstances transmission of the data packet is allowed or interrupted.

However, this passage clearly does not contemplate, discuss, show, or suggest communicating with a second router to cause transmission of a future data packet to be interrupted when a determination has been made that a first data packet is harmful.

Thus and at least for this reason, Joyce does not show or suggest all features of independent claim 1 or claim 11 and therefore does not properly support a §102(e) rejection of claim 1 or claim 11 or, by virtue of dependency, claims 2-10 or 12-20. Therefore and in view of the reasons noted above, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-20 under 35 U.S.C. 102(e) based on Joyce (U.S. Patent No. 6,519,703).

Furthermore, one or more of the dependent claims recite additional features which are not shown or suggested by Joyce. For example, claim 3 (and corresponding claim 13) recites sending a command to an upstream router to intercept future data packets from the originator and claim 4 (and corresponding claim 14) forwarding an agent to an upstream router, the agent arranged to intercept future data packets from the originator. Claim 7 (and corresponding claim 17) recites a feature where once a data packet has been deemed suspicious it is decided to monitor future data packets having the same source or destination address as claimed. Claims 8-10 (and corresponding claims 18-20) recite further features having to do with collaborating with and identifying an upstream router. None of these more specific features concerning an upstream router are shown or suggested by Joyce.

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Therefore and at least for these additional reasons, Applicant respectfully submits that claims 3, 4, 7-10 and 13, 14, 17-20 are allowable over Joyce. Thus and in view of these additional reasons, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 3, 4, 7-10 and 13, 14, 17-20 under 35 U.S.C. 102(e) based on Joyce (U.S. Patent No. 6,519,703).

Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited references of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable given that this Amendment and Response is being timely filed with the 3 months allotted and no other fees have been incurred, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-3435.

Respectfully submitted,

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